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SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)
later: Mr. BROTODININGRAT (Indonesia)

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The meeting was called to order at 10.30 a.m.

STATEMENT BY THE DEPUTY MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF POLAND

1. Mr. MROZIEWICZ (Poland) said that the current philosophy of the United Nations was based on the peace - human rights - development triad. Those values were indivisible, so that the international community had to recognize that a restrictive interpretation of Article 2, paragraph 7 of the United Nations Charter had become outdated. Human rights could no longer be regarded as one of the matters falling exclusively within the domestic jurisdiction of a State but constituted a legitimate concern of the international community as a whole. Admittedly national, social and economic development priorities had to be respected, but only as long as they did not call into question the principle of the universal and indivisible nature of human rights. The universality of human rights did not imply cultural uniformity but although cultural diversities had to be respected, care should be taken, in relativizing human rights in the name of such diversity, to prevent their negation.

2. The question of refugees and asylum seekers was no doubt related to that of the universality and indivisibility of human rights. A revision of domestic legislation on asylum could seriously jeopardize the rights of tens of thousands of refugees and asylum-seekers. It would be inadmissible for certain States to shift the obligations they had assumed towards such persons onto the shoulders of other States by taking unilateral decisions. Similarly, parties to the Convention on the Status of Refugees could in no case regard themselves as exempt from the application of the procedures provided for in that Convention. A solution satisfactory to all parties concerned could be found only through negotiations between them. His Government welcomed the Security Council's increasing involvement in human rights issues as illustrated by the recently redefined concept of humanitarian intervention as a last resort.

3. At the present time the international community was confronted by two contradictory phenomena. On the one hand there was a clear and general trend towards democracy, the rule of law and respect for human rights. On the other, massive and flagrant violations of the most fundamental rights continued to occur in various parts of the world, and particularly in Bosnia and Herzegovina. Unfortunately it had to be admitted that, owing to the international community's belated, inefficient and uncoordinated reaction, nothing would now stop those violations from continuing. In that connection Poland welcomed the efforts made by the Commission, which had convened two special sessions and decided to include in its agenda a special item on the situation of human rights in the territory of the former Yugoslavia. Two questions remained, however: what effective, protective measures could the international community take? To what extent would those responsible for such crimes be brought to justice?

4. Now that a comprehensive set of human rights instruments had been compiled, the United Nations should concentrate mainly on their implementation without, of course ignoring matters on which standards had not yet been adopted, such as the protection of minorities, the impact of scientific and technological developments on human rights and the drafting of an optional protocol to the Convention against Torture. In order to ensure greater respect for human rights, the United Nations should in any event embark upon a thorough review of all the mechanisms and procedures that had been established in order to promote transparency and efficiency. Moreover, since prevention was better than cure, it should

disseminate information about human rights standards and establish procedures to prevent violations, including an international monitoring and earlywarning system.

5. That review of procedures should be carried out in the context of a broader reform of the United Nations, and the Polish Government appreciated the Secretary-General's efforts in that regard. With a view to enhancing the role of bodies set up pursuant to international human rights instruments and achieving better co-ordination of their activities, the competent organs should carefully examine all proposals, such as the proposal to reform the Commission on Human Rights submitted by the Netherlands delegation at its forty-eighth session, the emergency mechanisms proposed by the Austrian delegation, and the idea of a United Nations commissioner for human rights presented by Amnesty International.

6. The international community should also try to make the best possible use of its resources and abilities. For example, exchanges of information should be promoted and better co-ordination achieved between international bodies at the global and regional levels, between the specialized agencies and universal organizations, as well as between intergovernmental organizations and non-governmental organizations; the random missions to the former Yugoslavia highlighted the urgency of that task. His Government hoped that the World Conference on Human Rights would advance the solution of those problems, that, in accordance with General Assembly resolution 45/155 it would adopt a balanced and overall approach to human rights, and that it would adopt an action-oriented programme. However, it should not be forgotten that States bore the primary responsibility for the protection of human rights and that the international community played an indispensable, albeit secondary, role in that respect. Lastly, the World Conference should confirm the irreplaceable role of the non-governmental organizations.

7. Poland would continue to participate actively in United Nations activities and in particular those of the Commission on Human Rights. He was pleased to note the fruitful co-operation that had been established between the Polish authorities and the Centre for Human Rights, particularly in respect of a project aimed at strengthening the country's human rights infrastructure. In conclusion, he expressed great satisfaction at being able to address the Commission on behalf of the Government of a free country and referred to his personal involvement in the Solidarity movement which had been instrumental in bringing about the political upheaval that had occurred in Central and Eastern Europe and ensuring respect for human rights.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (E/CN.4/1993/85; E/CN.4/1993/NGO/21)

8. Mrs. RODRIGUEZ (Costa Rica), opening the discussion on agenda item 20, observed that the world was experiencing a large number of conflicts involving racial, linguistic or religious minorities. And yet history had shown that when the rights of minorities were not respected violent conflicts ensued, provoking repressive reactions and threatening to spill over into adjacent countries. The participants in the Technical Meeting of Experts on Minorities, held from 2 to 4 February 1993, had noted the serious destabilizing consequences of such conflicts and the resurgence of ethno-nationalism, and had made an urgent appeal calling for respect of the rights of minorities. Her delegation was surprised that such nationalist ideas, which had been in vogue a century

previously, were finding a new lease of life at the end of the nineteenth century. The ethnic cleansing being witnessed by the world in the territory of the former Yugoslavia, as well as in certain regions of Africa, should serve as a warning to the international community. It was the duty of the United Nations to promote peaceful coexistence between various national, ethnic, linguistic and religious groups since in doing so it would enrich societies, both from the cultural as well as social standpoints. Individual States, moreover, should respect the right of various ethnic, religious or linguistic groups to speak their own language and practise their own religion.

9. International law relating to minorities had evolved in a very positive manner during the previous few decades and international instruments had already been drawn up to prevent human rights violations of that kind. What was needed, therefore, was not new instruments but concrete measures to protect minority groups, and for that reason her delegation was gratified by the appointment of a High Commissioner on National Minorities under the auspices of CSCE. In that connection she appealed to all States to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of a violation by those States of any of the rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination. It was also vital that States, through the media and public bodies, should take concrete measures to shape and inform public opinion in order to prevent and even to correct attitudes, trends or policies based on intolerance. It was just as indispensable that States in which small political or other groups propagated xenophobic or racist ideas or intolerance should take the necessary steps to punish those responsible, since it was intolerable that Nazi, Fascist or extreme rightist groups should be able to foment intolerance, discrimination and even violence with impunity. In the view of her delegation, racism and xenophobia undermined the rule of law and could bring about an extremely dangerous international situation. For that reason it considered that it was the urgent duty of all States to curb any manifestations of racism and discrimination.

10. Mrs. FERRARO (United States of America) observed that, despite a worldwide trend towards freedom, recent events showed that much more had to be done to protect the rights of individuals and especially the rights of women and persons belonging to national, ethnic, religious and linguistic minorities. In fact, during the previous year differences among ethnic groups had seriously impeded the efforts of various countries to move toward greater democracy and prosperity. The United States, as a nation of immigrants, was committed to the principle that all human beings were born with equal and inalienable rights and fundamental freedoms.

11. The world was experiencing a serious economic crisis at the present time and history showed that it was during hard times when the forces of intolerance and conservatism spoke the loudest, playing on discontent and fear. And the surest way to make hard times harder was to divide mankind and to make some citizens more equal than others. The adoption of the Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities by the General Assembly in December 1992 (resolution 47/135) was therefore a step forward. Yet it was only a piece of paper and action was necessary to ensure that it would have a beneficial impact on people's lives. To that end, the Commission must deal with two types of phenomena. On the one hand, certain Governments passed laws or adopted practices that adversely affected groups not represented in the Government. On the other, there were countries in which it

was not the Government that was responsible for human rights violations but where inter-ethnic or inter-religious hatred resulted in measures taken by one group of citizens to deprive other groups of their rights.

12. Her delegation proposed that the Centre for Human Rights should enhance its Advisory Services Programme so that qualified experts familiar with community mediation techniques or other forms of dispute resolution could be made available where appropriate before disputes degenerated into violence, as in the former Yugoslavia. By way of example, the Centre could possibly use the Community Relations Service which, in the United States, was a branch of the Department of Justice and which worked to resolve community conflicts and tensions between minorities. Her delegation also considered that the Centre for Human Rights should launch a pilot project with a view to the resolution of a conflict in an appropriate country within existing resources. Even if it was impossible to put an end to all differences at the present time, at least countries could combine their efforts to help make the world safe for diversity.

13. Mr. Brotodiningrat took the Chair.

14. Mr. SOTTAS (World Organization against Torture) said that during the past few years the problem of the protection of minorities had once again become acute owing to the re-emergence of nationalist and xenophobic movements and fundamentalist religious trends. In Europe, the collapse of the former Soviet Empire had revealed the tensions that existed between its constituent national or cultural communities. Nagorny Karabakh was still the theatre of clashes between Armenian communities, most of whom were Christians, and the Muslim population of Azerbaijan. Civilians were taken hostage, examples being Mr. Lev Vaganovich Avakov-Leonov and Mr. Vladimir Artashovich Danielyan, two Armenians who had been seized in March 1992 by the Azeris to be used as bargaining chips. In Georgia, fighting and repression had attained a very serious level of violence and recent reports mentioned torture, summary executions and massacres. Tensions were also apparent in the countries of Central and Eastern Europe. Moreover, the situation of the Roms of Rumania was still extremely disturbing; according to several reports published in 1992, serious violence had been committed the previous year including the killing of certain members of the Rom community, the burning of houses, etc.; the international community must therefore remain on its guard.

15. The situation of the Kurds in Iraq, but particularly in Turkey, continued to be a source of serious concern. On 15 December 1992 the European Committee for the Prevention of Torture had drawn attention to the acts of violence committed in 13 vilayets, where severe repressive measures had been taken and where the state of emergency had swept away fundamental guarantees. In Western Europe, xenophobic demonstrations organized in several countries had resulted in the deaths of several "foreigners" and particularly asylum-seekers. In Asia, serious interethnic, interreligious or intercommunal violence had been reported during the previous year. In India, a minority of Hindu fundamentalists were committing exceptionally violent acts. In Bhutan, the authorities were launching dehindusation campaigns that were above all affecting the Hindu community of Nepalese origin, and cases of torture had been recorded during the past few months. Myanmar's minorities, who numbered some 11 million, were being savagely repressed and many cases of summary executions and torture were regularly reported. The Iranian authorities were continuing to hound and persecute religious minorities or "bad Muslims", and it would be recalled among other things that the Government of the Islamic Republic of Iran had reaffirmed the

death sentence pronounced against Salman Rushdie and that the Bahá'i community was severely repressed in that country.

16. In Africa, several countries were experiencing dreadful violence due to intercommunal or interreligious conflicts. It was impossible to mention all known cases of violence but a word should be said about the situation in Rwanda, where tension between the Hutu and Tutsi ethnic groups had on several occasions during the previous few months degenerated and resulted in terrible violence and actual massacres. In Sudan, the Government was pursuing a policy of compulsory Islamisation. According to the Catholic Bishop Mgr. Joseph Gasi Abangite, human rights violations in that country were becoming unbearable; it was alleged that genocide had taken place at Juba and countless members of the Catholic community had disappeared or been forcibly deported. Only Muslim fundamentalists in the Government were authorized to supply the deportees with food and they used their power as a means of pressuring them to convert to Islam. The international community must keep Sudan in mind. In the Arab world, Muslim fundamentalist trends were gaining strength; in their efforts to counter those trends, the Egyptian authorities had used extremely severe repressive measures and many cases of torture had been reported. In Algeria the situation remained extremely delicate.

17. In Latin America, the five hundredth anniversary of the discovery of America had been marked by a series of celebrations by the indigenous peoples, who had recalled the conditions in which the conquest had taken place and drawn attention to their present situation. The violations most frequently committed against them included murders by henchmen seeking to seize their land, the negation of their culture and discrimination in education and employment.

18. At its previous session, the Commission had adopted by consensus resolution 1992/16 on the rights of persons belonging to national, ethnic, religious and linguistic minorities which, although reflecting some progress, suffered from certain shortcomings, since it failed to define the term "minority", which made its interpretation difficult, and did not mention mechanisms for the protection of minorities. Yet in the opinion of his organization, the protection of minorities by international bodies that were not involved in intercommunal, interreligious or intercultural conflicts was absolutely vital.

19. Mr. BARBIER (International Fellowship of Reconciliation) said that, as an African missionary and white father, he wished to refer to the drama taking place in Sudan. Pope Jean Paul II, who had recently visited Khartoum, had in his statements emphasized the equality of all citizens and the need to achieve a lasting peace based on justice and respect for human rights; he had added that every State was under an absolute duty to respect and protect differences between its citizens. Yet the situation in Sudan was tragic in that regard. Indeed, according to Mr. Rony Brauman, Chairman of the International Council of Médecins sans frontières, the conflict in Sudan, which had been of a racial nature before becoming religious, constituted nothing but a process of extermination that was unaffected by any of the rare and timid reactions of the international community.

20. The present situation could be understood only against the background of Sudan's recent history: between 1 January 1956 when independence had been proclaimed and 1972, a first fratricidal war between the non-Muslim south and the Muslim north had resulted in 700,000 dead. Following an initial peace agreement,

hostilities had resumed in 1983 as a result of the first discriminatory measures adopted by the north, namely, the promulgation of the Islamic Criminal Code in September 1983. That second civil war had resulted in 600,000 deaths, the majority being Sudanese from the south. In June 1984 two-thirds of the National Assembly had rejected a constitution based on the Shari'ah and then, while negotiations were proceeding, the Government which had been democratically elected on 30 June 1989 had been overthrown by a military coup d'etat. The military regime under General Omar El-Béchir had very quickly revealed its Islamic fundamentalist colours. In the context of the jihad, it had sent armed militia to the Nuba mountains, a region in the north-west that the war had previously spared; the Nubas, of African origin, had been massacred by the thousands, their wives often raped and carried off into slavery together with their children. The area liberated as a result of ethno-religious cleansing had been occupied by Islamised African tribes from the north. Repression was increasing throughout the south at the present time.

21. Innumerable accounts confirmed the Sudanese Government's complete contempt for human rights as defined in the Universal Declaration and recognized in the international conventions ratified by Sudan, notwithstanding the tenets proclaimed in the Sudanese Constitution, promulgated on 8 May 1973, according to which "Sudanese society is based on the principles of freedom, equality and justice". And even quite recently, in a report submitted to the Committee on the Rights of the Child of 16 December 1992 (CRC/C/3/Add.3), the Sudanese Government had reaffirmed its complete commitment to absolute respect for freedoms. Such affirmations were, to say the least, puzzling in view of the actual situation in Sudan where newspapers were prohibited, a Muslim could not change his religion, Koranic punishments were practised, thousands of women were raped and thousands of children enslaved. In the field of education, the Islamic Higher Education Council had decided that a person could be admitted to a university only if he had obtained a pass mark in Muslim instruction. Civil service jobs were accessible only to those who could present an authenticated certificate proving that they were practising Muslims. That situation was the direct result of the application of Shari'ah, the Muslim Code of Religious Law, in a country in which only two-thirds of the population were Muslims. Government pressure on non-Muslims, Catholics, Protestants and animists was intolerable. Three weeks previously Muslim non-governmental organizations had been virtually the only ones to be granted access to camps holding hundreds of thousands of persons displaced from the Khartoum area. Food aid also depended on conversion to Islam. Moreover, according to the Shari'ah, non-Muslims were regarded as inferior beings, members of society who were tolerated (dhimmi) for whom different treatment was laid down. That was a violation of the preamble to the International Covenant on Civil and Political Rights, which recognized the inherent dignity and the equal and inalienable rights of all members of the human family.

22. At the present time the entire world was awaiting the traditional winter offensive against the positions of the southern rebels who were still besieging the town of Juba. That offensive, backed by weapons paid for by Iran and supplied mainly by China, was likely to be on an exceptional scale. The International Fellowship of Reconciliation therefore advocated an immediate cease-fire and a peace conference under United Nations auspices; subsequently, free elections in the north and the south should be organized under United Nations supervision. Lastly, everything possible should be done to ensure that help and humanitarian assistance reached those in need and to embark upon the reconstruction of the south that had been completely ravaged. The Commission on Human Rights should follow the General Assembly's example and reaffirm that human rights must be respected in Sudan and that the right of all of its communities to

dignity and freedom should be recognized. Since the Sudanese Government had stated that there were no more political detainees in Sudan and that freedoms were respected, perhaps it would agree to the visit of a special rapporteur or some other emissary who could draw the attention of the Sudanese authorities to any serious violations of human rights that might be brought to his knowledge and assist the Government in its efforts to ensure greater justice.

23. Mrs. LUONG THI NGA (Pax Romana) said that since the annexation of South Vietnam by the North Vietnamese communists, the Hoa Hao Buddhist Church, which had a congregation of slightly over 4 million concentrated mainly in the Mekong delta, had been systematically persecuted by the Vietnamese Government. Huynh Giao Chu, the founder of the Church had been murdered by the communists in 1947 and since grabbing South Vietnam in April 1975 the Hanoi Government had been trying to wipe out the Hoa Hao Church. It had destroyed or confiscated all its premises and all places of worship, some of which had been converted into pigsties or propaganda offices for the Vietnamese Communist Party. The distribution of religious texts and the celebration of religious festivals was forbidden. Offenders were made to pay heavy fines or sentenced to prison. Prisoners were often tortured, in some cases to death. All the property of the Church, including a university and a hospital, had been confiscated. Church leaders had been imprisoned without trial and many had been brutally tortured, such as Ngo Van Lai who was permanently crippled, Nguyen Van Thuong and Pham Van Trung who had been tortured to death, and Truong Minh Ky, Phan Ba Cam and Nguyen Thanh Long. The local population knew full well that summary executions, arbitrary arrests and torture were commonplace but it remained silent for fear of reprisals.

24. The Vietnamese Government was also violating the rights of disabled South Vietnamese ex-servicemen, not even sparing the severely disabled who were treated in an inhuman, cruel or degrading manner. They were forced into exile together with their families in the "new economic zones", which in point of fact were simply disguised gulags. Their houses and property, including their orthopaedic appliances, were confiscated and they were not allowed to receive the private humanitarian assistance sent by their compatriots overseas. They were harassed by the police and their mail was censured. The disabled South Vietnamese ex-servicemen wished to address a pathetic appeal to the United Nations and the international community, requesting them to intervene on their behalf with a view to restoration of their property and compensation for the wrongs they had suffered for 17 years under the regime of the Socialist Republic of Vietnam, and so that they could freely receive the humanitarian assistance sent by their compatriots overseas and live in dignity.

25. Mrs. BECK-HENRY (World Movement of Mothers) said that her organization had appealed on several occasions to Mr. Vance and Lord Owen, as well as to the leaders of the regions concerned to help restore peace in the former Yugoslavia, for it was inadmissible that groups of citizens of countries that claimed to be civilized should commit vicious acts and inflict unspeakable suffering on defenceless people, and particularly innocent women and children. The mothers of the the entire world expressed their indignation at such barbarity.

26. Her organization addressed a solemn appeal to the representatives of all countries represented in the Commission, calling upon them to defend individual freedoms in all countries where they were violated, and not only in the former Yugoslavia. She also noted that the rights of children were being violated when abortions were performed because they were not wanted or rejected because of

their handicaps. She condemned the abuse of power that took place at various levels of society and said that real efforts must be made to ensure that harmony, justice and peace prevailed not only among but also within nations.

27. Mr. WIPFLER (Anglican Consultative Council) said that his organization was seriously concerned by the systematic and gross violations of human rights taking place in Sri Lanka described in the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25/Add.1), of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/1993/46) and of the Special Rapporteur on Torture (E/CN.4/1993/26) respectively.

28. The fate of Sri Lanka's ethnic, religious and linguistic minorities would remain a source of concern so long as the Government of that country persisted in believing that a military solution of the conflict was possible, refused to recognize the right of the Tamil minority to self-determination and sought to change the demographic balance in the northern and eastern parts of the island by the resettlement of Sinhala people there. At the same time the Liberation Tigers of Tamil Eelam (LTTE) were demonstrating their attacks against Muslim and Sinhala minorities, that they were unwilling to recognize the legitimate rights of the Muslim and Sinhala minorities in the north and east. The Commission on Human Rights should therefore express its profound concern at the violation of human rights in Sri Lanka and demand that the Government should put an end to the state of emergency and repeal the numerous repressive laws that violated Sri Lanka's obligations under international conventions. The Commission should also call on the Government to use every available means to reach a negotiated settlement of the conflict that would assure respect for the rights of the various ethnic, linguistic and religious minoriites of the island. The Government should also relax its blockade to permit food and medicine to reach the areas of conflict. Lastly, the Commission should call on LTTE to respect the rights of all minorities in areas under its control and to continue efforts to achieve a negotiated political settlement.

29. Turning to the question of human rights in Sudan, he said that the Government of the Revolutionary Command Council was continuing the same pattern of massive human rights violations it had initiated when it had seized power in June 1989. Large numbers of non-Muslim civilians were being killed in the war zones, entire communities were forced to relocate, human rights groups, trade unions and other independent organizations were suppressed, church officials and members were persecuted and persons whose views conflicted with the Government's policy of Islamisation were purged from public institutions. As noted in the reports of the Special Rapporteur on Torture (E/CN.4/1993/26) and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/1993/46), arrests, detentions, torture and extrajudicial executions had continued to be the normal practices of the security forces. Although the Government's forces were the ones mainly responsible for human rights violations, factions of the Sudanese People's Liberation Army had also been responsible for human rights abuses.

30. In December 1992 the General Assembly had adopted resolution 47/142 in which it expressed concern regarding human rights violations in Sudan and called upon the Sudanese Government to comply with international human rights instruments. The Sudanese Government had therefore tried to deflect international concern by publicizing the release of 120 detainees, announcing the creation of an allegedly independent commission of enquiry and opening a "Complaints Bureau" with respect to abuses committed by the security forces. It

appeared that the Sudanese Government was adopting the same tactics at the present session by distributing a briefing paper in which it claimed that great progress had been achieved in the economic, social, political and legal spheres. It also accused the Sudanese People's Liberation Army of being responsible for the failure of peace initiatives and claimed that it had done everything in its power to assure the delivery of relief supplies to all affected areas, to aid persons who had been displaced and to make a serious study of allegations of human rights abuses.

31. The Anglican Consultative Council requested the Commission to appoint a special rapporteur to monitor the human rights situation of persons belonging to ethnic, religious and linguistic minorities in Sudan and to monitor Sudan's fulfilment of the terms of the above-mentioned General Assembly resolution. Should Sudan fail to comply with the resolution the Commission should recommend to the Security Council and/or the General Assembly the imposition of sanctions against Sudan, and in particular an embargo on arms imports.

32. Mr. MARTA (International Work Group for Indigenous Affairs) said that the international community should not use the principle of noninterference in the internal affairs of a country as a reason for closing its eyes to the persecution of national, ethnic, religious or linguistic minorities. In Myanmar, for example, the State Law and Order Restoration Council (SLORC) was running the country in the manner of an army of occupation. It had ignored resolution 1992/58, adopted by the Commission in March 1992, and the human rights situation in the country was becoming worse, particularly for the indigenous peoples. Contrary to what it stated officially in the hope of attracting foreign investors, SLORC was continuing its attacks against the minorities and particularly the Karens and Kachins. No real representative of the ethnic and religious minorities was a member of the "National Convention" responsible for drafting the new constitution.

33. The human rights situation of the indigenous peoples in the border areas had grown even worse. The army made them work as bearers and thousands had died as a result of the soldiers' brutality. The women were routinely gang raped and many were used as human minesweepers. The army looted and torched villages and stole or destroyed food supplies and crops. Some 100,000 persons had already fled to Thailand, and on the western border 280,000 Muslims had been forced to flee to Bangladesh. In the Irrawaddy delta hundreds of Karen civilians had been massacred in helicopter attacks and community leaders continued to disappear.

34. In March 1992, SLORC had ordered 20,000 Karen civilians to leave their villages in the Loikaw Catholic diocese and move into resettlement camps. Those who refused to move had been shot and houses and crops had been destroyed. For want of care and food, a large number of persons, mainly children and the elderly, had died of starvation and disease in the camps. Foreign diplomats had confirmed that those civilians had been forced to build a railway between Loikaw and Aung Ban. They were not even fed and were beaten with rifle butts if they were weak. Large numbers had died of exhaustion.

35. SLORC was denying indigenous peoples in the border areas their academic freedom. The teaching and researching of ethnic languages and cultures was forbidden while SLORC institutions trained teachers to force the Burmese language and culture on indigenous children. Indigenous teachers and leaders were

frequently imprisoned and indigenous schools were specific targets in raids by the Burmese army and air force.

36. SLORC had launched a new forced relocation campaign in Karen state, and since December 50,000 Karen civilians had been ordered to move into army camps. The first groups of refugees who had arrived at the Thai border said that such persons in army camps were treated like slaves and suffered from hunger. An end must be put to that dreadful situation and, in order to protect the rights of all peoples in Myanmar, the international community must adopt even stronger resolutions and envisage direct action.

37. Mr. AHMAD (World Muslim Congress) said that on 7 February 1993 the Prime Minister of India, in a radio broadcast, had described the events that had taken place on 6 December 1992 when a mob of extremists had razed a historical sixteenth century mosque in the northern town of Ayodhya in order to build a Hindu temple on the site. That act had sparked off communal riots in the country which had left more than 3,000 dead and made more than 10,000 homeless. Ninety per cent of those killed had been Muslims and 80 per cent of that number had been killed by the police and security forces. The anti-Muslim riots had spread over vast areas of northern and western India. Persons who had witnessed the massacre at the mosque confirmed that the authorities had done nothing to protect the Muslims. Thousands of homes and businesses had been destroyed and there had been a large-scale Muslim exodus from Bombay which had previously been known for its tolerance. He recalled that previously, in 1990, extremists had tried to destroy the same mosque and anti-Muslim riots across India had left more than 1,000 dead.

38. In his broadcast, the Indian Prime Minister had explained that the Federal Government had placed at the disposal of the state Government of Uttar Pradesh security forces in adequate strength. Throughout the day of 6 December 1992, the Federal Government had been in constant touch with the authorities and had urged them to use force to protect the mosque, which they had not done, waiting until it had been completely destroyed. There could therefore be no doubt that the Government of Uttar Pradesh had intentionally given the extremists a free hand.

39. India's Muslim minority accounted for 11 per cent of the total population. Ever since India had gained its independence, not a single year had gone by without outbreaks of such riots and the State had practically never taken action. On the contrary, everything seemed to indicate that the security forces took the side of the majority against the minority. The extremists, who were made out to be the only ones responsible for such riots and misguided and marginal elements, had been gaining in number and strength in Indian politics. They had constituted political parties, elected representatives to the national Parliament and had formed Governments at the state level. The state Government of Uttar Pradesh, about which the Indian Prime Minister had complained in his broadcast, consisted of members of the Hindu Fundamentalist Party (BJP), which had become a national force and had a wide following. Its allies were other nationalist militant organizations whose avowed objective was to see that minorities in India did not have separate identities as Muslims, Christians etc. Since all Indians, in their view, were by definition hindus, those minorities must all convert to Hinduism.

40. The Muslims had lived in India for more than a thousand years and had enormously enriched the culture and civilization of the country, one example being the Taj Mahal, the supreme achievement of Indian architecture. The

nationalist parties had drawn up a list of 3,000 Muslim monuments that were to be destroyed or "converted". The extremists, political demagogues, power-hungry self-seekers and religious fanatics were therefore engaged in an ethnic, cultural and religious cleansing operation and were stirring up hatred against the minorities. The Muslims wanted to live peacefully in India and be regarded as Indian citizens like any others. They did not ask for any special privileges but simply not to be victimized for their beliefs. If the Muslim minority in India was to retain its identity, the international community must take an interest in its fate. Even better, by monitoring the situation in the country it could strengthen the hands of the saner element of the population that was worried about how the situation was developing. The Commission should also look into the reasons why the extremists were increasingly misusing history in exciting hatred between various religious groups of a society.

41. Mrs. GRAF (International League for the Rights and Liberation of Peoples) observed that minority groups were the first target of racist attacks which were becoming increasingly frequent. Acts of racist intolerance and racial discrimination constituted one of the most serious and urgent problems faced by the international community at the present time. Cultural, religious and ethnic diversity, which could be an important asset to any society, had unfortunately become the favourite target of nationalist and Fascist groups which manipulated the concept to serve their ends.

42. Her organization was deeply concerned by violations of the rights of minorities and drew the Commission's attention to the plight of Israeli citizens of Arab origin. The very state structure and policies of the Israeli Government enhanced and perpetuated discrimination against the Arab minority in that country. In fact, the Israeli Government engaged in systematic and institutionalized discrimination with impunity. For example, although the Law of Return, the first Law to be enacted by the Israeli Parliament following the creation of the State of Israel in May 1948, gave any Jew in the world the right to obtain Israeli citizenship on request, the Arabs who had been living on that same land for centuries before the creation of Israel faced enormous difficulties and were denied their most elementary rights. Under the Land Laws, for example, the land of the State was the exclusive property of the Jewish people and not of citizens of Israel. In point of fact, there were two different types of institutions in Israel, namely, national and governmental. The former served only people of the Jewish faith whereas governmental institutions served all citizens, both Jews and Arabs. National institutions owned 92 per cent of Israeli land. The arab citizens of Israel who accounted for 17 per cent of the total population, were deprived of the use of that national land under the provisions of the Jewish National Fund Charter which considered the land as "redeemed" to the Jewish people in perpetuity. As a result, national land belonged not only to Israeli Jews but to all Jews residing in other countries. The national institutions developed 92 per cent of the land in connection with agriculture, industry, social services and housing for the exclusive benefit of Israeli Jews. The budget of the Jewish Agency was so large that in a few years it had exceeded that of the Israeli Government itself. When the Jewish Agency's operating fund had been low, the Israeli Government had not hesitated to make good the deficit by the general taxation of all Israeli citizens. Allocations from the State budget to the Arab communities of Israel represented less than one-quarter of those earmarked for Jewish settlements. Arab schools were allocated only 11 per cent of the total education budget although Arabs accounted for 20 per cent of the total school population and Jewish schools had twice as many teachers as Arab schools. Furthermore, infantile mortality was higher among the Arabs in Israel than among the Jews.

43. Examples of that institutionalized discrimination in Israel was also apparent in the treatment of Arab towns and Jewish towns. For instance, not a single Arab town was to be found on a list of those whose residents received tax benefits under an income tax regulation. That same list of towns was also used to allocate funds and human resources to schools. Preferential treatment was therefore accorded to Jewish towns, even though the poorest of such towns was often not wealthier than the richest Arab village. Yet from the standpoint of injustice, nothing could match the plight of the 40 "unrecognized" Arab villages situated in the north of Israel. They had existed for centuries but did not appear on any Israeli maps or in government lists or censuses. They had no social services, schools, water, electricity or even sewage systems. The Israeli authorities had surrounded them with Jewish settlements to prevent their extension and frequently issued their inhabitants with demolition orders. The Israeli authorities justified their action by arguing that the villages had been built on agricultural land. The fact that the inhabitants had been living in them for generations, in other words well before the creation of Israel, was systematically ignored. The argument that villages were situated on agricultural land was immediately reversed when their was a question of a Jewish settlement. For instance, the Arab village of Kammaneh had never being recognized on the pretext that it had been built on agricultural land, whereas two Jewish settlements had been established close by and their infrastructure and services had been quickly provided.

44. That was why there was an entire category of second class citizens in Israel at the present time. It should therefore come as no surprise that a recent opinion poll revealed that almost 40 per cent of Israelis had racist and discriminatory feelings towards their fellow Arab citizens. The Commission should consequently stress its action aimed at the eradication of such manifestations of racial, religious and cultural discrimination. All international, national and non-governmental organizations must also fight that abhorrent phenomenon so as to build a more tolerant world and ensure respect for human rights.

45. Mr. ERICSSON (International Association for the Defence of Religious Liberty) said he wished to speak of the plight of minorities in Africa, the Middle East and Asia, with particular emphasis on Pakistan. The persecution of Christian minorities in countries tolerating Islamic extremists had reached new heights, as had been revealed by the mass crucifictions that had taken place in Sudan. The civil war in that country had led to a genocidal reign of terror directed against the Christian south by the Islamic regime in Khartoum. The male population of entire villages had allegedly been crucified by government soldiers.

46. In Saudi Arabia, the persecution of Christians had increased since the Gulf War. A number of Christian Iraqi prisoners of war had allegedly remained in detention and beaten and tortured. In Pakistan, the impact of Islamic extremist ideology on religious liberty was increasing, although it was gratifying to note that the Pakistan Government had made efforts to discourage extremist activities; however, it had not responded energetically enough to attacks on Christian, Hindu and other minorities. The situation had begun to deteriorate in 1972 when Mr. Bhutto's socialist Government had embarked upon a series of nationalizations. Subsequently, Islamisation campaigns had imposed educational curricula in Christian schools, discriminatory laws had been promulgated during the martial law period (1977-1988) and, in 1990, the National Assembly had made the Koran the supreme law of Pakistan. Since then, non-Muslim minorities had experienced discrimination in all aspects of their daily life. The crime of blaspheming the

Prophet Mohammed had been included in the Criminal Code in the 1980s and was punishable by death, and since the testimony of only one person was enough to have suspects arrested and imprisoned, the procedure was often used by persons who had personal grievances against Christians. For example, as a result of a simple disagreement with his neighbours, Gul Masih had been imprisoned on the basis of the evidence they had given; subsequently, however, the two so-called "witnesses" had admitted that he had not made any blasphemous statements. His imprisonment therefore violated international standards of civil rights and justice. Chand Barkat, another Christian, had been imprisoned for 15 months in Karachi on the basis of evidence presented by one of his business competitors, but had later been released for lack of proof. Tahir Iqbal, a paraplegic who had been imprisoned for over 19 months, died in questionable circumstances in July 1992; he had been accused by a Muslim Imam of desecrating a copy of the Koran by writing in the margins and was found dead in his cell. In July 1992 a Christian schoolteacher, Naimat Ahmer, had been stabbed to death by a Muslim extremist for allegedly blaspheming the Prophet. The blasphemy laws had apparently given Islamic extremists licence to kill Christians with impunity.

47. During the martial law period, the Pakistan Government had created the Federal Shari'ah Court and introduced the Evidence Laws, under which Christian minorities were subject to the jurisdiction of Islamic courts in which Christian lawyers were not allowed to plead. Under the Evidence Laws, moreover, the testimony of non-Muslims and women was not of equal value. As a result, a Muslim could commit any atrocity against a Christian or a Hindu without fear of being convicted. Those laws therefore clearly violated the International Covenant on Civil and Political Rights.

48. Discrimination was also codified in other laws. For example, the division of the electorate into separate categories had deprived Christian minorities of the right to vote as citizens in violation of the International Covenant on Civil and Political Rights and the 1973 Constitution of Pakistan. Recently, the establishment of religious apartheid, namely, the introduction of an identity card indicating the holder's religion, had been narrowly averted. The right of minorities to choose and practise their religion was recognized in the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. At the time the Universal Declaration of Human Rights had been adopted by the General Assembly, the head of the Pakistan delegation had approved article 18, which stated that everyone had the right to the freedom of thought, conscience and religion, and that that right included freedom to change his religion or belief, indicating at that time that the substance of the article was fully consistent with the teachings of Islam.

49. The International Association for the Defence of Religious Liberty called upon all members of the Commission to speak out against the violation of the fundamental rights and religious freedom of the Christians and other religious minorities in Pakistan. It requested the release of Gul Masih, the abrogation of the blasphemy laws and, in general, that the country's laws should be brought into line with internationally accepted standards of civil and political equality and the restoration of the property confiscated from minorities. It also called for an end to discrimination against minorities in the educational system and that the idea of introducing an identity card indicating the holder's religion should be abandoned once and for all.

The meeting rose at 1 p.m.